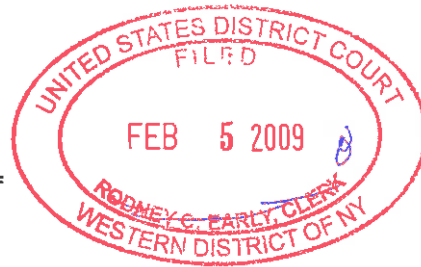


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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- PS -

ARRELLO BARNES, 00-A-0597,

Plaintiff,

-v-

FEDELE, et al.,

Defendants.

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**DECISION AND ORDER**  
07-CV-6197L(Fe)

In response to the January 29, 2009 Order, the Assistant Attorney General has provided further information regarding the defendants who had not yet been served: Corcoran has now been served, Furman has retired, and Rabbi Matasar is assigned to Southport Correctional Facility. She is still seeking information about Murphy.

Once a plaintiff is granted permission to proceed *in forma pauperis*, the responsibility for effecting service of the summons and complaint shifts from the plaintiff to the court. See 28 U.S.C. § 1915(d); *Wright v. Lewis*, 76 F.3d 57, 59 (2d Cir. 1996).

**ORDER**

IT IS HEREBY ORDERED that the time in which to serve Defendants Furman and Matasar is extended for 120 days from entry of this Order;

FURTHER, that the U. S. Marshal is directed to serve the Summons and Complaint, together with this Order, upon Rabbi Howard

Matasar at Southport Correctional Facility, P.O. Box 2000, 236 Bob Masia Drive, Pine City, New York 14871-2000;

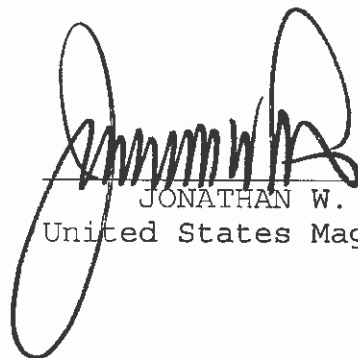
FURTHER, that the U. S. Marshal is directed to serve the Summons and Complaint, together with this Order, upon Defendant Furman and upon DOCS' Counsel's Office at New York State Department of Correctional Services, State Campus Office Building #2, 1220 Washington Avenue, Albany, New York 12226;

FURTHER, that DOCS's Counsel's Office is directed to **either** notify Furman of service of the summons and complaint and request that Furman acknowledge service, **or** provide an address where the U. S. Marshal can attempt to serve Furman;

FURTHER, that the U. S. Marshal is directed to report directly to the Court as to the status of service upon Furman within ninety (90) days of the filing of this Order; and

FURTHER, that, pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

IT IS SO ORDERED.



JONATHAN W. FELDMAN  
United States Magistrate Judge

Dated: February 4, 2009  
Rochester, New York